

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VANDARLYN FISH,

Plaintiff,

Case No. 08-15274

v.

STATE OF MICHIGAN
ATTORNEY GRIEVANCE
COMMISSION, *et al.*,

Hon. John Corbett O'Meara

Defendant.

**ORDER GRANTING APPLICATION TO PROCEED
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Plaintiff, Vandarlyn Fish, filed a *pro se* complaint on December 24, 2008, along with an application to proceed *in forma pauperis*. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6th Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous under § 1915 if it lacks an arguable basis in law or fact. Neitzke v. Williams, 490 U.S. 319, 325 (1989); Wilson v. Yaklich, 148 F.3d 596, 600 (6th Cir. 1998) (stating that complaints can be dismissed a frivolous "only when the claim is 'based on an indisputably meritless legal theory,' or where a complaint's 'factual contentions are

clearly baseless’’).

To the extent the court understands the complaint, Plaintiff appears to assert that she was repeatedly denied relief by the Michigan Supreme Court. It is unclear to the court what relief she is seeking here. Construing Plaintiff’s complaint liberally, in light of her *pro se* status, the court discerns no claim upon which relief may be granted or any legal basis for federal jurisdiction.

Therefore, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* is GRANTED.

IT IS FURTHER ORDERED that Plaintiff’s complaint is DISMISSED.

s/John Corbett O’Meara
United States District Judge

Date: February 2, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 2, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager